

Chapter No. 495  
10/HR03/R1273SG  
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## ***HOUSE BILL NO. 1157***

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1157

AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972, TO IMPOSE A STATE ASSESSMENT UPON PERSONS CONVICTED OF A FELONY, WHICH SHALL BE DEPOSITED INTO THE CRIME LABORATORY DNA IDENTIFICATION SYSTEM FUND, TO IMPOSE AN ADDITIONAL ASSESSMENT AGAINST RAILROAD CROSSING VIOLATIONS FOR THE BENEFIT OF THE OPERATION LIFESAVER PROGRAM AND FUND AND TO IMPOSE AN ADDITIONAL ASSESSMENT FOR VIOLATIONS OF THE UNIFORM CONTROLLED SUBSTANCES ACT; TO AMEND SECTION 45-1-29, MISSISSIPPI CODE OF 1972, TO IMPOSE UPON INDIVIDUALS CONVICTED OF CERTAIN CRIMES A SEPARATE LABORATORY ANALYSIS FEE IN A CASE WHERE THE CRIME LABORATORY PROVIDED FORENSIC SCIENCE OR LABORATORY SERVICES IN CONNECTION WITH THE CASE, WHICH SHALL BE DEPOSITED INTO THE SPECIAL FUND OF THE CRIME LABORATORY; TO CREATE THE OPERATION LIFESAVER PROGRAM UNDER THE AUSPICES OF THE DEPARTMENT OF TRANSPORTATION AND TO CREATE THE OPERATION LIFESAVER FUND; TO CREATE THE DRUG EVIDENCE DISPOSITION FUND UNDER THE CONTROL OF THE BUREAU OF NARCOTICS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 99-19-73, Mississippi Code of 1972, is amended as follows:

99-19-73. (1) **Traffic violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation in Title 63, Mississippi Code of 1972, except offenses relating to the Mississippi Implied Consent Law (Section 63-11-1 et seq.) and offenses relating to vehicular parking or registration:

FUND	AMOUNT
State Court Education Fund .....	\$ 1.50
State Prosecutor Education Fund .....	2.00
Vulnerable Adults Training.	
Investigation and Prosecution Trust Fund .....	.50

Child Support Prosecution Trust Fund .....	.50
Driver Training Penalty Assessment Fund .....	7.00
Law Enforcement Officers Training Fund .....	5.00
Spinal Cord and Head Injury Trust Fund	
(for all moving violations) .....	6.00
Emergency Medical Services Operating Fund .....	20.00
Mississippi Leadership Council on Aging Fund .....	1.00
Law Enforcement Officers and Fire Fighters Death	
Benefits Trust Fund .....	.50
Law Enforcement Officers and Fire Fighters	
Disability Benefits Trust Fund .....	1.00
State Prosecutor Compensation Fund for the purpose	
of providing additional compensation for legal	
assistants to district attorneys .....	1.50
Crisis Intervention Mental Health Fund .....	10.00
Drug Court Fund .....	10.00
Capital Defense Counsel Fund .....	2.89
Indigent Appeals Fund .....	2.29
Capital Post-Conviction Counsel Fund .....	2.33
Victims of Domestic Violence Fund .....	.49
Public Defenders Education Fund .....	1.00
Domestic Violence Training Fund .....	1.00
Attorney General's Cyber-Crime Unit .....	1.00
TOTAL STATE ASSESSMENT .....	\$ 77.50

(2) **Implied Consent Law violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or any other penalty for any violation of the Mississippi Implied Consent Law (Section 63-11-1 et seq.):

FUND	AMOUNT
Crime Victims' Compensation Fund .....	\$ 10.00
State Court Education Fund .....	1.50

State Prosecutor Education Fund .....	2.00
Vulnerable Adults Training.	
Investigation and Prosecution Trust Fund .....	.50
Child Support Prosecution Trust Fund .....	.50
Driver Training Penalty Assessment Fund .....	22.00
Law Enforcement Officers Training Fund .....	11.00
Emergency Medical Services Operating Fund .....	45.00
Mississippi Alcohol Safety Education Program Fund ....	5.00
Federal-State Alcohol Program Fund .....	10.00
Mississippi Crime Laboratory	
Implied Consent Law Fund .....	25.00
Spinal Cord and Head Injury Trust Fund .....	25.00
Capital Defense Counsel Fund .....	2.89
Indigent Appeals Fund .....	2.29
Capital Post-Conviction Counsel Fund .....	2.33
Victims of Domestic Violence Fund .....	.49
State General Fund .....	35.00
Law Enforcement Officers and Fire Fighters Death	
Benefits Trust Fund .....	.50
Law Enforcement Officers and Fire Fighters Disability	
Benefits Trust Fund .....	1.00
State Prosecutor Compensation Fund for the purpose	
of providing additional compensation for legal	
assistants to district attorneys .....	1.50
Crisis Intervention Mental Health Fund .....	10.00
Drug Court Fund .....	10.00
Statewide Victims' Information and Notification	
System Fund .....	6.00
Public Defenders Education Fund .....	1.00
Domestic Violence Training Fund .....	1.00
Attorney General's Cyber-Crime Unit .....	1.00
TOTAL STATE ASSESSMENT .....	\$232.50



(3) **Game and Fish Law violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation of the game and fish statutes or regulations of this state:

FUND	AMOUNT
State Court Education Fund .....	\$ 1.50
State Prosecutor Education Fund .....	2.00
Law Enforcement Officers Training Fund .....	5.00
Hunter Education and Training Program Fund .....	5.00
State General Fund .....	30.00
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund .....	.50
Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund .....	1.00
State Prosecutor Compensation Fund for the purpose of providing additional compensation for legal assistants to district attorneys .....	1.00
Crisis Intervention Mental Health Fund .....	10.00
Drug Court Fund .....	10.00
Capital Defense Counsel Fund .....	2.89
Indigent Appeals Fund.....	2.29
Capital Post-Conviction Counsel Fund .....	2.33
Victims of Domestic Violence Fund .....	.49
Public Defenders Education Fund .....	1.00
Domestic Violence Training Fund .....	1.00
Attorney General's Cyber-Crime Unit .....	1.00
TOTAL STATE ASSESSMENT .....	\$ 77.00

(4) **Litter Law violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each

person upon whom a court imposes a fine or other penalty for any violation of Section 97-15-29 or 97-15-30:

FUND	AMOUNT
Statewide Litter Prevention Fund .....	\$ 25.00
TOTAL STATE ASSESSMENT .....	\$ 25.00

(5) **Speeding, reckless and careless driving violations.** In addition to any assessment imposed under subsection (1) or (2) of this section, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for driving a vehicle on a road or highway:

(a) At a speed that exceeds the posted speed limit by at least ten (10) miles per hour but not more than twenty (20) miles per hour ..... \$ 10.00

(b) At a speed that exceeds the posted speed limit by at least twenty (20) miles per hour but not more than thirty (30) miles per hour ..... \$ 20.00

(c) At a speed that exceeds the posted speed limit by thirty (30) miles per hour or more ..... \$ 30.00

(d) In violation of Section 63-3-1201, which is the offense of reckless driving ..... \$ 10.00

(e) In violation of Section 63-3-1213, which is the offense of careless driving ..... \$ 10.00

All assessments collected under this subsection shall be deposited into the Mississippi Trauma Care Systems Fund established under Section 41-59-75.

(6) **Other misdemeanors.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any misdemeanor violation not specified in subsection (1), (2) or (3) of this section, except offenses relating to vehicular parking or registration:

FUND	AMOUNT
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Crime Victims' Compensation Fund .....	\$ 10.00
State Court Education Fund .....	1.50
State Prosecutor Education Fund .....	2.00
Vulnerable Adults Training,	
Investigation and Prosecution Trust Fund .....	.50
Child Support Prosecution Trust Fund .....	.50
Law Enforcement Officers Training Fund .....	5.00
Capital Defense Counsel Fund .....	2.89
Indigent Appeals Fund .....	2.29
Capital Post-Conviction Counsel Fund .....	2.33
Victims of Domestic Violence Fund .....	.49
State General Fund .....	30.00
State Crime Stoppers Fund .....	1.50
Law Enforcement Officers and Fire Fighters Death	
Benefits Trust Fund .....	.50
Law Enforcement Officers and Fire Fighters Disability	
Benefits Trust Fund .....	1.00
State Prosecutor Compensation Fund for the purpose	
of providing additional compensation for legal	
assistants to district attorneys .....	1.50
Crisis Intervention Mental Health Fund .....	10.00
Drug Court Fund .....	8.00
Judicial Performance Fund .....	2.00
Statewide Victims' Information and Notification	
System Fund .....	6.00
Public Defenders Education Fund .....	1.00
Domestic Violence Training Fund .....	1.00
Attorney General's Cyber-Crime Unit .....	1.00
Information Exchange Network Fund .....	4.00
TOTAL STATE ASSESSMENT .....	\$ 95.00

(7) **Other felonies.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon



whom a court imposes a fine or other penalty for any felony violation not specified in subsection (1), (2) or (3) of this section:

FUND	AMOUNT
Crime Victims' Compensation Fund .....	\$ 10.00
State Court Education Fund .....	1.50
State Prosecutor Education Fund .....	2.00
Vulnerable Adults Training,	
Investigation and Prosecution Trust Fund .....	.50
Child Support Prosecution Trust Fund .....	.50
Law Enforcement Officers Training Fund .....	5.00
Capital Defense Counsel Fund .....	2.89
Indigent Appeals Fund .....	2.29
Capital Post-Conviction Counsel Fund .....	2.33
Victims of Domestic Violence Fund .....	.49
State General Fund .....	60.00
Criminal Justice Fund .....	50.00
Law Enforcement Officers and Fire Fighters Death	
Benefits Trust Fund .....	.50
Law Enforcement Officers and Fire Fighters Disability	
Benefits Trust Fund .....	1.00
State Prosecutor Compensation Fund for the purpose	
of providing additional compensation for legal	
assistants to district attorneys .....	1.50
Crisis Intervention Mental Health Fund .....	10.00
Drug Court Fund .....	10.00
Statewide Victims' Information and Notification	
System Fund .....	6.00
Public Defenders Education Fund .....	1.00
Domestic Violence Training Fund .....	1.00
Attorney General's Cyber-Crime Unit .....	1.00
<u>Crime Laboratory DNA Identification System Fund .....</u>	<u>100.00</u>
TOTAL STATE ASSESSMENT .....	<u>\$269.50</u>



(8) Additional assessments on certain violations:

(a) In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation of Section 77-9-249:

Operation Lifesaver Fund .....      \$25.00

(b) In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation of Section 41-29-139:

Drug Evidence Disposition Fund .....      \$25.00

(9) If a fine or other penalty imposed is suspended, in whole or in part, such suspension shall not affect the state assessment under this section. No state assessment imposed under the provisions of this section may be suspended or reduced by the court.

(10) After a determination by the court of the amount due, it shall be the duty of the clerk of the court to promptly collect all state assessments imposed under the provisions of this section. The state assessments imposed under the provisions of this section may not be paid by personal check. It shall be the duty of the chancery clerk of each county to deposit all such state assessments collected in the circuit, county and justice courts in such county on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The chancery clerk shall make a monthly lump-sum deposit of the total state assessments collected in the circuit, county and justice courts in such county under this section, and shall report to the Department of Finance and Administration the total

number of violations under each subsection for which state assessments were collected in the circuit, county and justice courts in such county during such month. It shall be the duty of the municipal clerk of each municipality to deposit all such state assessments collected in the municipal court in such municipality on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The municipal clerk shall make a monthly lump-sum deposit of the total state assessments collected in the municipal court in such municipality under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the municipal court in such municipality during such month.

(11) It shall be the duty of the Department of Finance and Administration to deposit on a monthly basis all such state assessments into the proper special fund in the State Treasury. The monthly deposit shall be based upon the number of violations reported under each subsection and the pro rata amount of such assessment due to the appropriate special fund. The Department of Finance and Administration shall issue regulations providing for the proper allocation of these special funds.

(12) The State Auditor shall establish by regulation procedures for refunds of state assessments, including refunds associated with assessments imposed before July 1, 1990, and refunds after appeals in which the defendant's conviction is reversed. The Auditor shall provide in such regulations for certification of eligibility for refunds and may require the defendant seeking a refund to submit a verified copy of a court order or abstract by which such defendant is entitled to a refund. All refunds of state assessments shall be made in accordance with the procedures established by the Auditor.

**SECTION 2.** Section 45-1-29, Mississippi Code of 1972, is amended as follows:

45-1-29. (1) The Mississippi Crime Laboratory shall be funded separately from the Department of Public Safety. Any appropriated funds shall be maintained in an account separate from any funds of the Department of Public Safety and shall never be commingled with any funds of the department. However, nothing in this section shall be construed to prohibit the utilization of the combined resources of the Mississippi Crime Laboratory, the Division of Support Services of the Department of Public Safety or the Mississippi Justice Information Center to efficiently carry out the mission of the Department of Public Safety.

(2) Grants and donations to the Crime Laboratory may be accepted from individuals, the federal government, firms, corporations, foundations and other interested organizations and societies.

(3) The Commissioner of Public Safety shall establish and the Division of Support Services of the Department of Public Safety shall collect for services rendered proper fees commensurate with the services rendered by the Crime Laboratory. Those fees shall be deposited into a special fund in the State Treasury to the credit of the Crime Laboratory and expended in accordance with applicable rules and regulations of the Department of Finance and Administration. Those fees may be used for any authorized expenditure of the Crime Laboratory except expenditures for salaries, wages and fringe benefits.

(4) Upon every individual convicted of a felony, every individual who is nonadjudicated on a felony or misdemeanor case under Section 99-15-26, and every individual who participates in a pretrial intervention program established under Section 99-15-101 et seq., in a case where the Crime Laboratory provided forensic science or laboratory services in connection with the case, the court shall impose and collect a separate laboratory analysis fee



of Three Hundred Dollars (\$300.00), in addition to any other assessments and costs imposed by statutory authority, unless the court finds that undue hardship would result by imposing the fee. All fees collected under this section shall be deposited into the special fund of the Crime Laboratory created in subsection (3) of this section.

**SECTION 3.** (1) There is created within the Department of Transportation the Operation Lifesaver Program. The purpose of the program is to increase safety of and prevent loss of life and property at railroad crossings by increasing compliance, on the part of the railroads and the public, with the provisions of Section 77-9-249.

(2) There is created in the State Treasury a special fund to be known as the Operation Lifesaver Fund. The purpose of the fund shall be to provide funding for the Operation Lifesaver Program. Monies from the funds derived from assessments under Section 99-19-73 shall be distributed by the State Treasurer upon warrants issued by the Mississippi Department of Transportation. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of:

(a) Monies appropriated by the Legislature for the purposes of funding Operation Lifesaver;

(b) The interest accruing to the fund;

(c) Monies received under the provisions of Section 99-19-73;

(d) Monies received from the federal government;

(e) Donations; and

(f) Monies received from such other sources as may be provided by or allowable under law.

**SECTION 4.** There is created in the State Treasury a special fund to be known as the Drug Evidence Disposition Fund. The purpose of the fund shall be to provide funding for costs associated with the acquisition, storage, destruction or other



disposition of evidence related to offenses under the Uniform Controlled Substances Act. Monies from the funds derived from assessments under Section 99-19-73 shall be distributed by the State Treasurer upon warrants issued by the Mississippi Bureau of Narcotics. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of:


- (a) Monies appropriated by the Legislature;
- (b) The interest accruing to the fund;
- (c) Monies received under the provisions of Section 99-19-73;
- (d) Monies received from the federal government;
- (e) Donations; and
- (f) Monies received from such other sources as may be provided by or allowable under law.

**SECTION 5.** This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 26, 2010

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 26, 2010

  
PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
GOVERNOR

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